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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/733,405	12/08/2000	Brian Pollock	S01.12-0643/STL 9408	1870

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04/06/2004

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EXAMINER

SNIEZEK, ANDREW L

ART UNIT

PAPER NUMBER

2651

DATE MAILED: 04/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/733,405

Applicant(s)

POLLOCK ET AL.

Examiner

Andrew L. Sniezek

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-9 and 11-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-9 and 11-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 11-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Akagi et al.

The specific of this rejection is incorporated herein from paragraph 4 of the office action mailed 10/07/03.

3. Claims 6-9, 16-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Hasegawa et al.

Hasegawa teaches to form compensation equations (column 13, lines 1-40) for a plurality of disks (column 7, lines 5-26) to control the position of a plurality of heads to move along a circular rotational path, virtual tracks, as set forth in claim 6. The limitations of claims 7-8 directed to the formation of the compensation equations/values is satisfied by column 12, line 25- column 13, line 40 along with the previous mentioned discussion in column 7, lines 5-26. The limitations of claim 9 that maintains the heads in fixed relation to each other is satisfied by the arrangement in Hasegawa that used plural heads and disks with the heads mounted along a single axis of rotation (19). As seen from figures 6 and 8 disc(s) are in a disc drive, claim 16. Concerning the limitations of claim 17 and 18, equation (1) in column 13 is a compensation signal that is inserted (added to the drive signal) in a servo loop (for example figure 4). The

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limitations of claims 19 and 20 written as a device contains similar limitations as those already discussed and are satisfied by Hasegawa for reasons given.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hasegawa et al. in view of applicants admitted prior art as disclosed under the background of the invention of the present application.

The teaching of Hasegawa et al. is discussed above and incorporated herein. Claim 21 additionally sets forth that the device as claimed forms a spin stand. Although the device as taught by Hasegawa et al. is not a spin stand, it is well known to have spin stands to perform a variety of tests on transducers before placing them in disc drives as

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discussed in applicants background of the invention related to prior art. The device in which the test are performed (spin stand or disc drive) does not change the test being performed since each device contains similar elements (for example head, actuator, disc) which allow reading/writing to a disc. It would have been obvious to one of ordinary skill in the art at the time of the invention to perform RRO compensation tests as taught by Hasegawa et al. in a similar device including a spin stand device as disclosed by applicant since all components to perform the test are present in each device and since the test performed would give similar results.

Response to Arguments

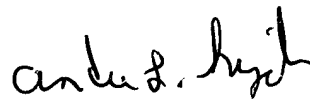
7. Applicant's arguments filed 1/9/04 have been fully considered but they are not persuasive. Applicant argues concerning claims 11 and 15 that Akagi et al. that the claim is limited to controlling a transducer to "follow" a track by "maneuvering the position of the transducer relative to the position information contained on the storage medium". Examiner cannot reconcile this interpretation from the claim as set forth. In Akagi et al., the portion of the disclosure pointed out by the Examiner teaches one way in which the position of the transducer is controller to follow the virtual tracks as set forth. If applicant amends this claim to define the controlling action in a manner as argued, then applicant is referred to column 6 with the discussion of figure 4 that teaches to control the transducer to follow the virtual track by using positional information (servo patterns)

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew L. Sniezek whose telephone number is 703-308-1602. The examiner can normally be reached on Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 703-305-4700. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Andrew L. Sniezek
Primary Examiner
Art Unit 2651

A.L.S.
4/5/04